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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,996	05/23/2001	Stephen S. Burns	7227/79217	1863

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EXAMINER
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VO, HUYEN X

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicant No.

09/863,996

Applicant(s)

BURNS ET AL.

Examiner

Huyen X. Vo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,8-13 and 29 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,2,8-13 and 29 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 23 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's arguments filed 4/14/2006 have been fully considered but they are not persuasive. Bennett et al. disclose a speech recognition search engine having a database storing information representative of different fields and/or applications, including medical information (*col. 21, lines 25-40*). Thus, when medical information is requested, the speech recognition search engine would perform searches and return appropriate medical information to remote users.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 8-9, 11, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Bennett et al. (US 6633846).

4. Regarding claim 1, Bennett et al. disclose a system for providing a voice generated prescriptions comprising: an input/output device which includes a user interface for receiving the voice of a user and converting it to a first data stream, said

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input/output device including a communication system for transferring said first data stream over a wireless communication link to a remote server system (*client-side 150 in figure 2, input speech is processed and converted into acoustic MFCC vectors before transmitted to a remote server*); a remote server system for receiving said first data stream from the input/output device over said wireless communication link (*network 160 in figure 2 can be a wireless network*), said server system configured for processing the first data stream (*elements 182-186 in figure 2*), exchanging data information with a database search engine and a database to verify the accuracy of the data in said first data stream based on data stored in the database (*elements 186-190 in figure 2 or referring to col. 24, line 48 to col. 25, line 67, full-text search returns a number of possible matches. The NLE 190 performs a fine search on returned possible matches to determine the best match*), and transmitting a second data stream representative of a prescription back to said input/output device over said wireless communication link (*elements 186-190 in figure 2 or referring to col. 24, line 48 to col. 25, line 67, full-text search returns a number of possible matches. The NLE 190 performs a fine search on returned possible matches to determine the best match and then transmit it back to the user at the client device for verification*), said remote server having speech recognition search engine for receiving said first data stream and converting it to text data representative of a prescription and providing said text data to said database search engine and generating said second data stream based upon said prescription representative data and data stored in a database, accessible by said remote server (*server-side 180 in figure 2*).

5. Regarding claim 2, Bennett et al. further disclose the system as recited in claim 1, wherein the input/output device is a wireless hand-held device (*col. 4, lines 41-61*).

6. Regarding claims 8 and 13, Bennett et al. further disclose the system as recited in claim 1, wherein said database includes related information, thereby enabling the server system to compare information in the first data with information stored in the database to verify the accuracy of the data in the first data stream (*elements 186-190 in figure 2 or referring to col. 24, line 48 to col. 25, line 67, full-text search returns a number of possible matches. The NLE 190 performs a fine search on returned possible matches to determine the best match*).

7. Regarding claims 9 and 11, Bennett et al. further disclose the system as recited in claim 1, wherein the input/output device further includes a compression mechanism for compressing the first data stream (*col. 23, lines 26-45*), and wherein the server system further includes a decompression mechanism for decompressing said first data stream (*element 601 in figure 4A*).

8. Regarding claim 29, Bennett et al. further disclose a method for enabling a healthcare professional to verify certain information relating to a patient, the method comprising the steps of: (a) providing the health care professional with a hand-held device configured to receive voice input from said health care professional and convert

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said voice input to a first data stream representative of patient information and transmit said patient representative information to a remote server (*client-side 150 in figure 2, input speech is processed and converted into acoustic MFCC vectors before transmitted to a remote server*); (b) providing patient information on a database, accessible by said health care professional by way of said hand held device over a wireless communication link (*system of figure 2, database containing information 188, said information can be health-related information col. 21, lines 25-40*); (c) providing a remote server for receiving said first data stream from said hand held device and converting it to text data in order to retrieve patient data from said database (*SRE 182 in figure 2*); and (d) returning patient data retrieved from said database to said hand held device (*elements 186-190 in figure 2 or referring to col. 24, line 48 to col. 25, line 67, full-text search returns a number of possible matches. The NLE 190 performs a fine search on returned possible matches to determine the best match and then transmit it back to the user at the client device for verification*).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al. (US 6633846) in view of Official Notice.

11. Regarding claims 10 and 12, Bennett et al. fail to specifically disclose the system as recited in claim 1, wherein the input/output device further includes an encryption mechanism for encrypting the first data stream, and wherein the server system further includes a decryption mechanism for decrypting said first data stream. However, examiner takes official notice that encryption and decryption systems and their functionalities are well known in the art, for their purpose in telecommunication systems is to enhance communication security preventing information from being pirated.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Bennett et al. to include encryption and decryption mechanisms at the front-end of the system to enhance communication security by preventing information from being pirated.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen X. Vo whose telephone number is 571-272-7631. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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RICHEMOND DORVIL  
SUPERVISORY PATENT EXAMINER